

Subject: August 25<sup>th</sup> Update on Cypress Island Site 2 Stabilization/Fish Recovery/Deconstruction  
Date: August 25<sup>th</sup>, 2017  
Time: 10:15 AM

**Thursday, August 24<sup>th</sup> follow up call**

Commissioner Franz facilitated the call.

Purpose: To continue the conversation and share what actions have taken place, to provide answers to some of the questions raised yesterday and to talk about next steps.

Much concern was expressed yesterday about the lack clarity as to which agency is responsible for addressing and managing the response of the incident.

DNR Update (Commissioner Franz):

- DNR manages state-owned aquatic lands and the lease for use of those lands by Cooke Aquaculture. The Agency doesn't permit or regulate the activity
- DNR has been in communication with Cooke to ensure that the damaged facility (net pen #2) is secured. Global Diving is on site and is bringing in a crane to begin the process of raising the net pen.
- We were on site yesterday and today, and will continue to be on site during recovery of the nets and the fish over the coming days.
- We have asked for a meaningful recovery plan from our sister agencies that includes specifics about what immediate actions will be taken to recover the escaped fish
- We will be contacting Cooke by the end of this week with a specific list of issues regarding any lease noncompliance
- We are asking Cooke for an immediate review of other structures on this site and the other leaseholds, as soon as pen# 2 at Cypress has had nets and fish removed, and the failed structure has been removed.
- We've talked with the governor's office, DFW and DOE and agreed that DNR will continue our role as coordinator and convener however we also discussed the possibility of creating an Incident Command.

We would like to know your thoughts about using an incident command approach.

Questions and Comments:

- Multiple individuals expressed that they saw no downside and many benefits, citing that the lack of centralized leadership is problematic. Also expressed a coordinated response will result in better and more effective decision-making. DNR shared that it regularly utilizes the incident command structure within the wildfire context. Commissioner Franz committed to communicating with the Governor's office and the Agencies. The starting place would be to review and implement the existing recovery plans under the state permits. We have asked our sister agencies to provide copies of these.
- It was asked whether or not the Governor was going to declare a state of emergency.

#### DFW Update: (Ron Warren)

- DFW has been in communications with Cooke and continues to monitor fish recovery activities.
- There will be a link on the DNR Atlantic Salmon page to DFW information. Visit the site at <http://www.dnr.wa.gov/atlanticsalmon>
- A press release will be going out today regarding fishing activities and tracking of catch.
- The Agency permitted Cooke to use heat seeking methods to capture fish, and to work with tribes to coordinate fishing plans to mitigate damage to listed species.

#### Questions and Comments:

- Several inquiries were made concerning the expenses affiliated with the recovery.
  - o What are cost considerations?
  - o What is the contingency plan to address costs
  - o How long do you expect to keep the recreational fishing open?
    - Ron: There is an ongoing permanent rule that Atlantic salmon can be retained no matter the size or quantity. DFW has put additional monitoring in place to prohibit the taking of pacific salmon. The Agency has also put a test fishing boat out to see the breadth of release. They are concerned that the fish are dispersing all the way to the Elwha.
  - o Do you have any idea how many of fish escaped?
    - Ron: Not at this point

#### ECY Update: (Kessina Lee, manages net pens)

- The NPDES permits address water quality.
- Release of salmon is not allowed by the permit; ECY is primarily concerned with fish waste and feed and the impacts to water quality. ECY is gathering information on how this issue impacts this particular permit. The permit requires fish escape prevention and response plans which Cooke adhered to by notifying ECY within 24 hours of the incident.

#### Questions and Comments

- DFW expressed that they were receiving media questions specific to escape prevention and response. Can DFW refer questions of that nature to ECY?
  - o Kessina: Other agencies require the same plans, but yes
- The current system doesn't seem to function, and we'd encourage all agencies to work together to establish who is responsible for monitoring these issues.
- Is there a study into putting more net pens in place? We think these should come to a screeching halt.
  - o Kessina: you are referring to the updating of 30 year old guidelines. There are no proposals for additional net pens, only the relocation of one in Port Townsend
  - o Gordon, ECY: There is a science assessment; it is not about expansion. NWIFC has been a part of it.
- Lummi staff notified Cedar who is in charge of the study that there is a court case that prevents any net pens in Lummi U & A
- The Salmon Funding Recovery Board met yesterday; and conversation occurred about reviewing the use of net pens. A letter will be coming that at minimum requests a moratorium on net pens
- Several tribes affirmed their support of the Lummi position of NO net pens

#### Additional Questions and Comments:

- Who is the lead agency? Who will be in charge of the Command Center? Please provide a written response so that there is clarity about who is responsible for what. It's going to take all agencies working together to hold Cooke accountable.
  - o For now, DNR is the lead in terms of coordinating these calls and communication, and Commissioner Franz will follow up with the Governor's office.
  - o JT Austin indicated that they would work with the Agencies and help gather more information on a Command Center
  - o Agency roles and responsibilities will be posted on the web site at: <http://www.dnr.wa.gov/atlanticsalmon>
  - o DNR will be working with the agencies to explore the incident command model.
- Who is the spokesman from Cooke to speak to where they are at?
  - o This information will be emailed out after the call. The contact is Amalia Walton of Miller, Nash, Graham & Dunn and Jeff Reading of Strategies 360.
- Agencies and tribes need to be tracking resources used and documenting the time spent to recover the fish
- DFW is establishing a website so that fisherman can report the catching of Atlantic salmon; there will be a link at <http://www.dnr.wa.gov/atlanticsalmon>
- DFW is opening up regulations so that Atlantic salmon can be sold commercially and will look into putting Atlantic salmon on future catch record cards. They will share with the group when it's established. Invasive species field workers are also collecting information.
- Tribal leadership shared that the efforts to contain are failing; they are unsuccessful to date. Fish are still spilling out. The recovery plan appears to be more of a mop-up plan. Tribal fisherman are catching them in the Skagit and Nooksack and they have been found in Tulalip Bay and west to Elwha. The responsibility is on the company but the burden has been put on the tribes; that needs to be fixed.
- Who is on site right now?
  - o DNR has had someone on site for the past three days and will have someone on site every day until this is remedied.
  - o DFW reports enforcement officers are in the marine area but are not in site; DFW is speaking with Cooke daily
- Is there anyone able to authorize targeting the fish with a seine and then paying them for it?
  - o DFW (Ron) will look into it and then give Lummi (GI) a call and then follow up with a communication with everyone else on the call.

#### Next steps:

- DNR will send out a summary of today's call
- A meeting will be scheduled for Monday at Swinomish
- On Monday, actions to date will be shared, as well as the outcome of the conversation with the Governor's office
- If new, critical information such as escapement numbers become available, an interim call will be scheduled.
- The call ended with Hilary sharing that they are working around the clock on this, understand the concerns and want to say to tribal leaders and agencies – Thank you for raising concerns and for your time.